

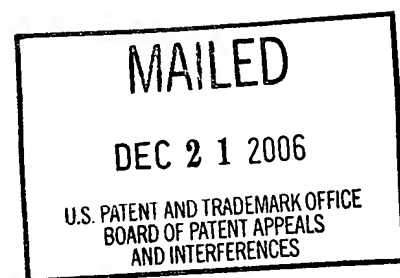
The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PETER J. SCHUBERT

Application 10/722,706
Technology Center 3600



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This Image File Wrapper (IFW) application was electronically received at the Board of Patent Appeals and Interferences on December 8, 2006. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

Information Disclosure Statement

On October 3, 2005, an Information Disclosure Statement (IDS) was filed in the present application. It is apparent from the record that the Examiner has not yet considered the submitted IDS. The IDS should be considered by the primary Examiner for compliance with 37 C.F.R. §§1.197 and 1.198. The Examiner should take appropriate action therewith. A communication notifying the Appellant of the

Application 10/722,706

primary Examiner's decision should be prepared and mailed. It is appropriate that the necessary consideration and processing of the IDS occur prior to a rendering of a decision in this appeal.

Examiner's Answer

Further review has determined that an Examiner's Answer, mailed June 9, 2006, fails to include the required heading and content “**(1) Real Party In Interest.**” *See Manual of Patent Examining Procedure (MPEP) § 1207.02(A)(1).*

Correction is required

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- (1) to provide a corrected Examiner's Answer which fully complies with *MPEP* § 1207.02(A)(1);
- (2) to have said corrected Examiner's Answer made a part of the Image File Wrapper (IFW) Official record;
- (3) to properly consider the IDS submitted to the USPTO on October 3, 2005 by either initialing the reference, or by drawing a line through the reference not considered;

Application 10/722,706

(4) to provide notification to Appellant as to the entry status of the IDS;

(5) to have said notification made of Official record;

and

(6) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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Application 10/722,706

DMS:hh